DECLARATORY

~~Improvement~~ Res. No. 1117-1963

For the Condemnation of right of way for alley purposes across the south two (2) feet of Lots 98 to 102 inclusive and the north two (2) feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen (15) foot triangular cut-offs across the southwest and northwest corners of said Lots 98 and 103 respectively.

Resolution Adopted: Dec. 11, 1963

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

FINAL ACTION REGISTERED 5/9/75

1117

B.O. 81-'63

DECLARATORY RESOLUTION NO. 1117-1963

For the Condemnation of right of way for alley purposes across the south two (2) feet of Lots 98 to 102 inclusive and the north two (2) feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen (15) foot trigangular cut-offs across the southwest and northwest corners of said Lots 98 and 103 respectively.

PLANS ORDERED:

ADOPTED: Dec. 11, 1963

ADVERTISE NOTICE TO PROPERTY OWNERS: Dec. 16 & 23, 1963

HEARING ON CONFIRMATION: Thurs., Jan. 9, 1964 3:30 p. m.
Taken under advisement to give affected land owners a
CONFIRMED: chance to reach agreement among themselve

ASSESSMENT ROLL ORDERED:

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION
OF ASSESSMENT ROLL:

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED: ALL ACTION RESCINDED 5/9/75

DECLARATORY RESOLUTION No. 1117 19 63

For the ~~Vacation Opening~~ Condemnation of right of way for ~~utility purposes~~ alley purposes across the south two (2) feet of Lots 98 to 102 inclusive and the north two (2) feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen (15) foot triangular cut-offs across the southwest and northwest corners of said Lots 98 and 103 respectively.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for alley purposes across the south two (2) feet of Lots 98 to 102 inclusive and the north two (2) feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen (15) foot triangular cut-offs across the southwest and northwest corners of said Lots98 and 103 respectively, more particularly described as follows:

(See Attached Sheet)

All as shown by a plan of such proposed ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ alley purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana The condemnation of right of way is to be made by condemning and appropriating for alley purposes the property described above.

The cost of said ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ alley purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ alley purposes is described as follows: Lots 98 to 103 inclusive, Elzey's 1st Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described _____ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described condemnation of right of way for alley purposes are situated in the southeast quarter of Section Twenty-eight, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 11 DAY OF Dec. 1963

Attest:
Secretary Board of Public Works.

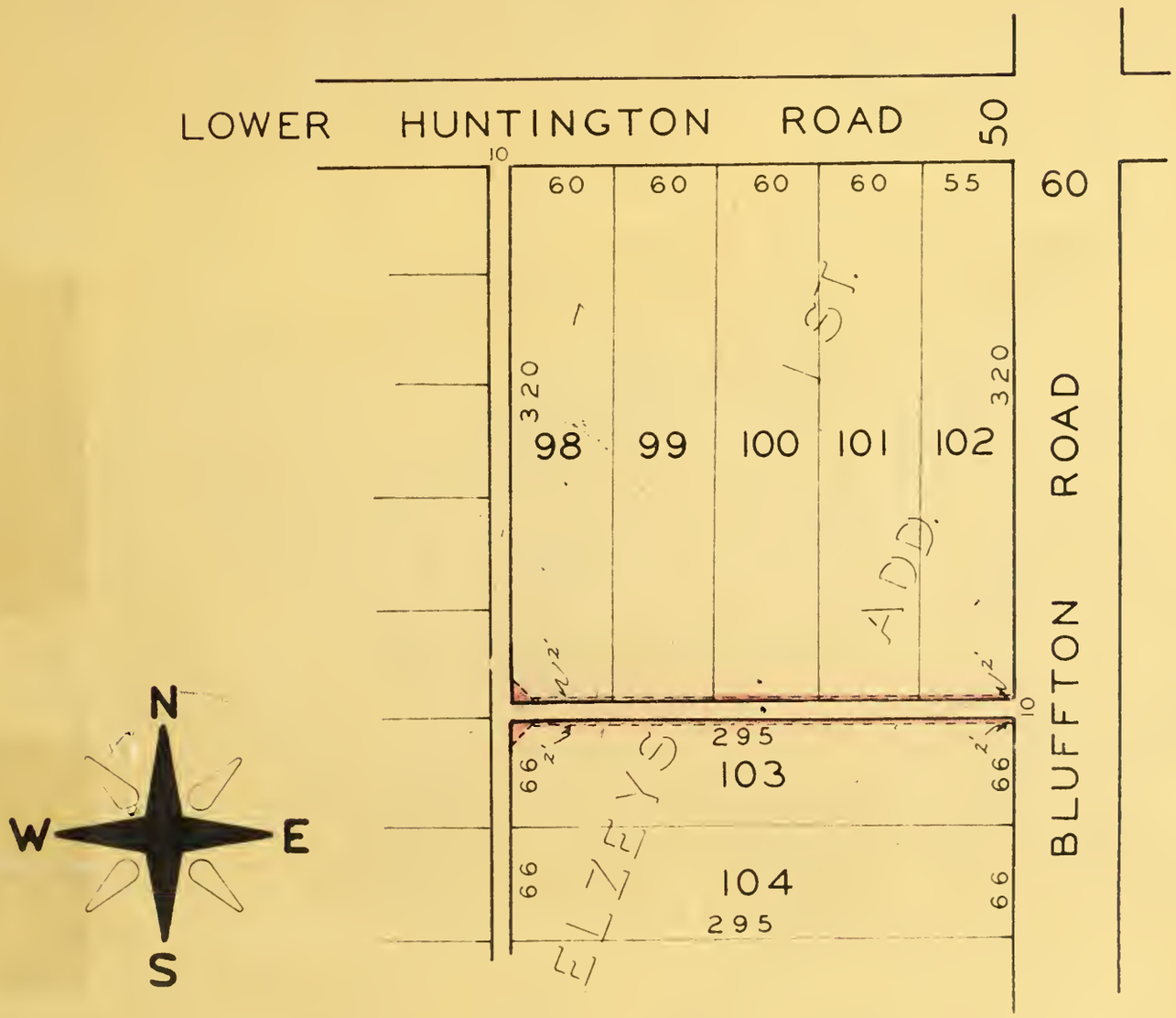
Board of Public Works.

Beginning at the southwest corner of Lot No. 98, Elzey's 1st Addition to the City of Fort Wayne; thence north along the west line of said Lot No. 98, a distance of 15 feet; thence southeasterly, a distance of 21.22 feet, to the south line of said Lot No. 98; thence west, a distance of 15 feet, to the point of beginning.

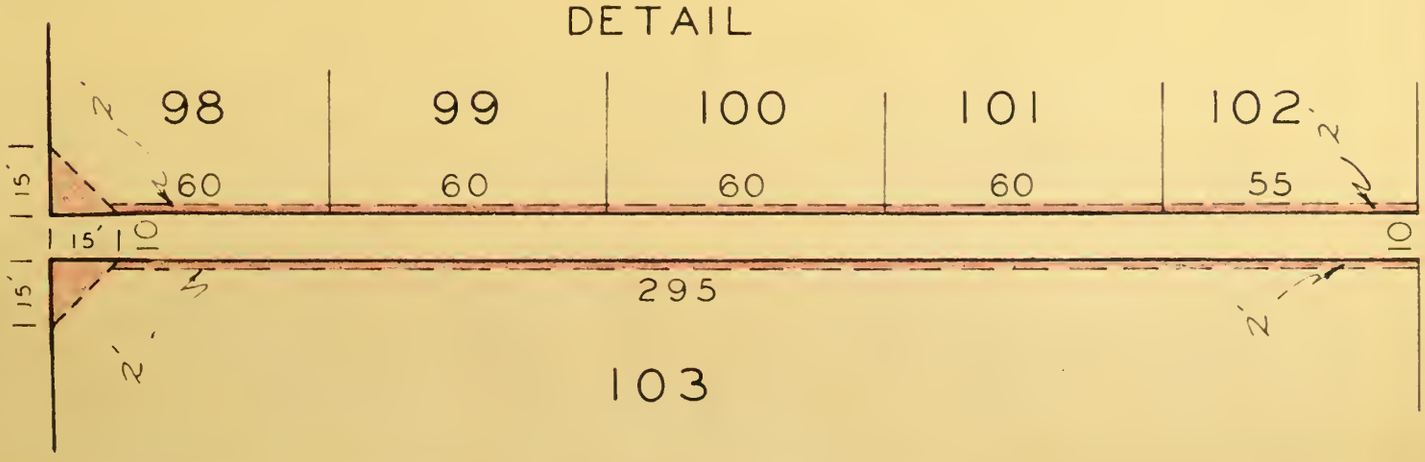
Beginning at the northwest corner of Lot No. 103, Elzey's 1st Addition to the City of Fort Wayne; thence south along the west line of said Lot No. 103, a distance of 15 feet; thence northeasterly, a distance of 21.22 feet, to the north line of said Lot No. 103; thence west, a distance of 15 feet, to the point of beginning.

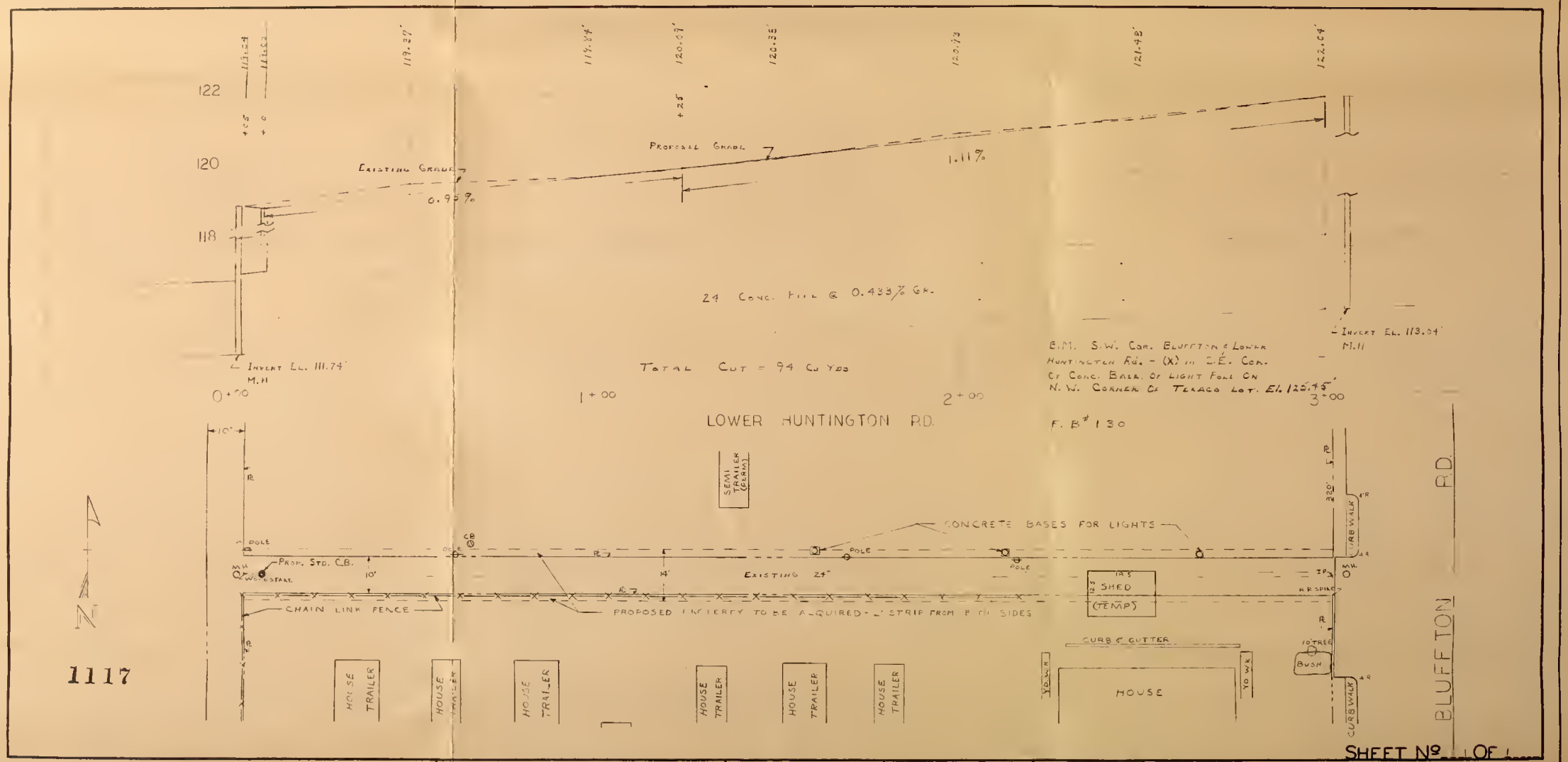
ALLEY TO BE WIDENED FROM 10 FT. TO 14 FT.

1117



DETAIL





SHEET Nº ___ OF ___

CITY ENGINEERS OFFICE- FT. WAYNE-IND.	APPROVED _____ CITY ENGINEER	RES. Nº _____ DATE _____	SCALE HOR. 1"=20' VERT. 1"=2'	DRAWN BY W.B. CHECKED _____	PLAN & PROFILE OF Prop. Widening of Lot Alley South of [illegible]

CITY OF FORT WAYNE, INDIANA OFFICE OF CITY TRAFFIC ENGINEER

DB
11/27

November 27, 1963

To: Edward Green, City Engineer

re: Alley Widening -- Elzey's 1st Addition
(Board of Public Works Order No. 81-1963)

Please be advised that the undersigned has reviewed the subject.

It appears that the petition is affirmative as related to the dedicated purpose of alley facilities. In addition to the proposed widening of the alley in subject, it is recommended that a triangular area of 15 Ft. by 15 Ft. should be also dedicated at the southwest and northwest corners of Lot 98 and Lot 103 respectively.

The triangular area mentioned would expediate the movement of traffic at the "T" junction of the east-west alley with that of the north-south alley west of the Bluffton Road.

Should the subject be approved as petitioned, use of the same should be restricted and regulated for delivery purposes only.

Respectfully submitted,

James T. White

JTW/jn

James T. White,
Traffic Engineer.

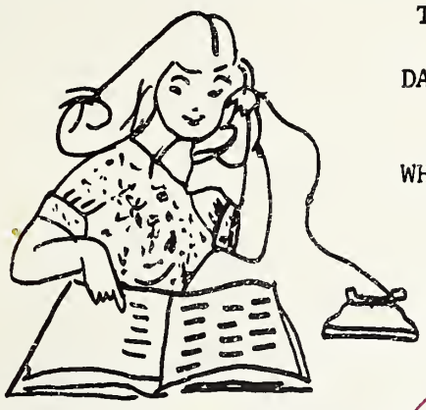
cc: Mayor Paul M. Burns
Board of Public Works
File (2)

1117

3

Digitized by the Internet Archive
in 2015

https://archive.org/details/declaratoryresol1117unse



TO Mr Graw

DATE 4/8 TIME 12:30

WHILE
YOU
WERE
OUT

MR. Unknown

of

Phone 747-3866

✓	TELEPHONED		CALLED TO SEE YOU
	WILL CALL AGAIN		WANTS TO SEE YOU
✓	PLEASE CALL HIM		RUSH

MESSAGE

295
120
175

Edna

open the alley by grading
grade ✓ stonny

180-
✓ ✓
---
73 ✓

City of Fort Wayne

OFFICE OF
CITY PLAN COMMISSION

2

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

November 11, 1963

Mr. Donald E. Bodeker
Office Manager
City Engineers Office

Dear Mr. Bodeker:

Re: Proposed widening of the first alley south of the Lower Huntington Road from the west property line of Bluffton Road to the east property line of the first alley west of Bluffton Road from 10 feet to 14 feet.

You will recall that on June 25, 1958, we endorsed the vacation of the above-described alley for the reasons that the alley was not sufficient in width and the alley was unimproved.

The petition now pending provides for the widening of the alley to 14 feet and the improvement of the alley which would eliminate our reasons for recommending the vacation of the alley in the letter mentioned above. As a result of the proposed widening and improving of the alley, we would recommend that the petition be granted for the following reasons:

1. At the present time the land on both sides of the alley is zoned for commercial use and the widening and improving of this alley would provide for better access to the property for service trucks and vehicles.

2. Since the alley will be increased to 14 feet, there would be sufficient room for proper ingress and egress to and from the lots serviced by this alley in one location rather than for each individual lot owner to provide his own service entrance.

You also in your letter refer to the proposed vacation of part of the alley from Bluffton Road west to Lot 100 which this office would also oppose since it would create the dead-end situation referred to in your letter.

The above recommendations are made on the basis that the alley will be widened to 14 feet and the alley will be improved.

Respectfully submitted,

CITY PLAN COMMISSION

William Jones

William J. Jones
Planning Director

cc: Mayor Paul M. Burns

4 Route

alR
DB
5/17

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

45-221-19

B.O. ~~81~~-'63
81-

Date May 16, 1963

To City Engineer

Subject ~~Alley~~ Vacation - first south of Lower Huntington Road

Received a petition for improving and widening the first alley south of the Lower Huntington Road from the west property line of the Bluffton Road to the east property line of the first alley west of the Bluffton Road.

Prepare preliminary plans, estimate, property ownership list and all details necessary for the improvement.

Paul F. Roembke
C. L. Sidle
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed

Reply:

December 9, 1963

Declaratory Resolution, drawings and property ownership list, for widening the above described alley, are completed and attached.

The petition also requests paving but a resolution cannot be prepared until the outcome of this proposal is decided.

We wish to point out that widening this alley will necessitate moving a fence and concrete bases for light poles. Opinions of the Planning Director and Traffic Engineer are attached.

Edward Green
Edward Green
City Engineer

DEB:is
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
DEC 9 1963

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, Dec. 26, 1963

1117

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did pass Improvement Declaratory Resolution No. 1117-1963 providing for the Condemnation of right of way for alley purposes across the south two feet of Lots 98 to 102 inclusive and the north two feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen foot triangular cut-off's across the southwest and northwest corners of said Lots 98 and 103 respectively.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed Thursday, Jan. 9, 1964 at 3:30 pm. a date and time when they will hear and consider objections or remonstrances from all persons whose propery will be affected by the proposed improvement.

You are hereby notified that

Elzey's 1st Add.

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, Dec. 26, 1963

1117

To Burtner, Ken & V.

Fort Wayne, Indiana

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did pass Improvement Resolution Declaratory No. 1117-1963 providing for the Condemnation of right of way for alley purposes across the south two feet of Lots 98 to 102 inclusive and the north two feet of Lot No. 103, all in Elzey's 1st Addition; also fifteen foot triangular cut-off's across the southwest and northwest corners of said Lots 98 and 103 respectively.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed Thursday, Jan. 9, 1964 at 3:30 pm. a date and time when they will hear and consider objections or remonstrances from all persons whose propery will be affected by the proposed improvement.

You are hereby notified that

Lot 99 Elzey's 1st Add.

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

BOARD OF PUBLIC WORKS
CITY HALL
FORT WAYNE 2, INDIANA

FORT WAYNE
DEC 26
11 30 AM
1963
IND.

A B C D MAIL
FOR BETTER
BUSINESS SERVICE

RETURNED FOR BETTER ADDRESS

BOARD OF PUBLIC WORKS
RECEIVED
DEC 27 1963

Notify Jerry
Van Orman
attorney, when hearing
is scheduled

KM

743-8201 - called 12/1 and he is to return call

45-221-19

B.O. 81-'63

May 16, 1963

City Engineer

Alley - first south of Lower Huntington Road

Received a petition for improving and widening the first alley south of the Lower Huntington Road from the west property line of the Bluffton Road to the east property line of the first alley west of the Bluffton Road.

Prepare preliminary plans, estimate, property ownership list and all details necessary for the improvement.

Paul F. Koembke
C. L. Sidle
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

95-221-19

THOS. M. MOORHEAD
GLENN W. BORDNER

MOORHEAD AND BORDNER
LAWYERS
807 FORT WAYNE BANK BUILDING
FORT WAYNE, INDIANA

ANTHONY 3174

May 8, 1963

Board of Public Works
City Hall
Fort Wayne, Indiana

Re: Improvement and Widening
of Alley

Gentlemen:

My client, Lester G. Umber on behalf of himself and adjoining property owners is submitting to the Board a petition for the improvement and widening of the alley-way described in said petition. In 1959 at the hearing held on Improvement Declaratory Resolution No. 1002-1959, the Board ordered that the alley-way mentioned in the current petition should be opened and made available to adjoining property owners. It is being used but in a restricted manner.

To make it more useable and of greater benefit to property owners in the community, we are submitting this petition for your consideration. Should any further facts or figures be necessary, please contact us.

Respectfully yours,

MOORHEAD AND BORDNER

G. W. Bordner

Glenn W. Bordner

GWB:jb

5/8/63

75-221-19

081

PETITION TO IMPROVE AND WIDEN EXISTING ALLEY

Fort Wayne, Indiana

16 day of May, 1963

TO THE BOARD OF PUBLIC WORKS OF
THE CITY OF FORT WAYNE, INDIANA:

The undersigned, adjoining property owners and persons interested in the improvement and widening of the following alley, to-wit:

> The first alley south of the Lower Huntington Road from the west property line of the Bluffton Road to the east property line of the first alley west of the Bluffton Road as is shown in the plat of Elzey's 1st Addition;

do hereby submit this petition to the Board of Public Works of the City of Fort Wayne, Indiana, and in support thereof aver as follows:

1. That said alley-way is dedicated on the plat of Elzey's 1st Addition to the Town of Waynedale as a 10-foot alley-way.

2. That at a hearing before the Board of Public Works on or about the 10th day of August, 1959, a petition to vacate said alley was denied and said Board ordered the alley opened and made available for public use.

3. That since the platting of the above addition business properties have developed along said alley-way and its use as a public thoroughfare is now essential to said businesses.

4. That the alley is not improved and still remains 10 feet in width, which said width is not sufficient to adequately permit the ingress and egress of large trucks and other vehicles necessary to the carrying on of the business of the adjoining property owners.

5. That due to the narrowness of said alley the ingress and egress of large vehicles interferes with the traffic on the Bluffton Road.

6. That more than a majority of the property owners adjoining said alley-way and interested in its improvement and widening have affixed their names to this petition.

7. That the improvement and widening of said alley-way will be of a public utility and benefit to the adjoining property owners and will further the business operations and growth of the community.

WHEREFORE, your petitioners request that the Board of Public Works of the City of Fort Wayne, Indiana, take the necessary steps and procedures which will result in the improvement and widening of said alley-way to a 14-foot width.

Name	Street No. & Lot No. 99	Use & approx. Lot Area 60 X 320
Lester Umber	2413 Lower Huntington Rd	
Bertha Umber		
Kenneth L. Burtner		
Marian L. Burtner		
Paul E. Pounter	Lower Huntington Rd. Lots 100 WEST HALF Lot 101	90 X 320
Ed F. Morken	2417 Lo Huntington Rd. LOT NO 98	
David R. Ogan	Lot #100 West Half of 101	

Name	Street No. & Lot No.	Use & approx. Lot Area

Name	Street No. & Lot No.	Use & approx. Lot Area

No.....

PETITION TO IMPROVE AND WIDEN EXISTING ALLEY

MOORHEAD AND BORDNER
LAWYERS
807 FORT WAYNE BANK BUILDING
FORT WAYNE 2, INDIANA

MOORHEAD AND BORDNER
LAWYERS
807 FORT WAYNE BANK BUILDING
FORT WAYNE 2, INDIANA

Memorandum

To Board of Public Works Date May 14, 1975

From Kenneth N. Traylor, Street Engineer

Subject Attached B.O. #81-1963

COPIES TO:

Regarding the attached B.O. #81-1963, this was taken under advisement on Jan. 9, 1964. Through a dedication the alley was widened to 12 ft. in 1971.

We recommend all further action be rescinded on this Board Order.

APPROVED:

Kenneth N. Traylor
Kenneth N. Traylor
Street Engineer

Ron Bonar
Ron Bonar, City Engineer

lc
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
MAY 16 1975

62 - 91 - 11
5/19/75

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

45-221-19

O.O. 81-'63

Date May 16, 1963

To City Engineer

Subject Alley - first south of Lower Huntington Road

Received a petition for improving and widening the first alley south of the Lower Huntington Road from the west property line of the Bluffton Road to the east property line of the first alley west of the Bluffton Road.

Prepare preliminary plans, estimate, property ownership list and all details necessary for the improvement.

Paul F. Roembke
C. L. Sidle
Barneley Ward
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Burns

Signed

Reply: December 9, 1963

1117

Declaratory Resolution, drawings and property ownership list, for widening the above described alley, are completed and attached.

The petition also requests paving but a resolution cannot be prepared until the outcome of this proposal is decided.

We wish to point out that widening this alley will necessitate moving a fence and concrete bases for light poles. Opinions of the Planning Director and Traffic Engineer are attached.

Edward Green
City Engineer

DEB:is
attachs.

Improvement Resolution No. 1117-1963 **For** CONDEMNATION OF RIGHT OF WAY FOR ALLEY PURPOSES ACROSS THE SOUTH TWO (2) FEET OF LOTS 98 TO 102 INCLUSIVE AND THE NORTH TWO (2) FEET OF LOT No. 103, ALL IN ELZEY'S 1ST ADDITION; ALSO FIFTEEN (15) FOOT TRIANGULAR CUT-OFFS ACROSS THE SOUTHWEST AND NORTHWEST CORNERS OF SAID LOTS 98 AND 103 RESPECTIVELY.

		OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF LOT	NUMBER OF BLOCK	NUMBER OF O. L.	DESCRIPTION
	1	MORKEN, EDWARD F.	2621 Merivale		98			ELZEY'S 1ST ADDITION
Rec'd. 12/27/63	2 *	BURTNER, KEN & V.			99			"
	3	LINCOLN NATIONAL BANK & TRUST CO.	116 S. Berry St.		100			"
	4	" "	" "		101-	W. ½		"
	5	WENNER, E.J. & C. R.	6902 Bluffton Rd.		101-	E. ½		"
	6	" "	" "		102			"
	7	" "	" "		103			"
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	61	NOTICES MAILED ~~OR SERVED~~						
	62	Dec. 26 1963						
	63	By Beryl Rehling						
	64							
	65							
			TOTAL					

CL MILK
Dec 9, 1963

1117